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## CLAIMING ACCIDENT COMPENSATION

There are 5 questions that anyone involved in an accident considering a claim for compensation will usually ask. Do I have a claim? What can I claim for? How much will I recover? How long will it take? What will it cost me?

### **Do I have a claim?**

If you have been involved in an accident in the last 3 years and as a result you have been injured you may have a claim. In England and Wales we have a fault based compensation scheme which means that you must prove that someone else was negligent (that they caused your accident) and as a result you were injured and have suffered loss. Alternatively, if your accident was caused by a breach of a statutory duty or a regulation you may be able to recover compensation.

There are occasions when you may be able to bring a claim if the accident happened more than 3 years ago but these cases depend on their special facts. In other cases you must bring any claim for compensation earlier than 3 years, for example if you were injured on an aeroplane, a ship, or abroad.

### **What can I claim for?**

You can claim compensation for your physical and psychological injuries, that is pain and suffering and for any permanent symptoms or disabilities. This head of compensation is called "General Damages". You may also be able to claim additional compensation for being more vulnerable in the labour market in the future as a result of your injuries or because you have had to stop work in a particular chosen job or career.

You will also be able to claim other past and future out of pocket expenses and losses that you have incurred as a direct result of your accident. These can include travel expenses, loss of earnings, prescription and treatment fees and in more serious cases home help, care costs, loss of pension and so on. In the larger cases we deal with there are very many items that can be claimed under various heads of compensation.

### **How much will I recover?**

We will give you an indication of what we expect you should be able to recover as quickly as possible. In most cases medical evidence by way of a report from an independent expert will be required. In more serious cases we may need a number of reports perhaps from more than one type of specialist. We may also need other expert reports. When assessing the compensation for pain, suffering and loss of amenity, there are numerous sources upon which

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we rely including our own experience and decided cases we have dealt with over very many years, cases reported in the law reports and elsewhere and in specialist standard texts.

In respect of out of pocket expenses and compensation for losses other than your injuries, we will make all the necessary calculations. In more serious cases these can be detailed.

It is important that you keep a note of all your expenses arising as a result of your accident and receipts where possible and also try and keep a diary of your recovery from your injuries.

### **How long will it take?**

Again, all cases are different. In the most straightforward cases where there is a full recovery very quickly, it will take about 6 months to finish. As a general rule, the more serious the injuries the longer the case will take to conclude, particularly if you are undergoing continuing treatment so that it is some time before we can obtain a final medical report. We will always give you our best estimate of how long the case will take after you have instructed us.

### **How much will it cost?**

This is, understandably, a big question for most people. In England and Wales, the basic rule is that if you recover more than £1,000 for your injuries, the losing party pays the winners costs.

Legal Aid is no longer available for personal injury cases. You may have legal expenses insurance (for example as part of a car insurance or home insurance policy) to pursue a claim. We would be happy to act for you and your insurers in dealing with that claim, if you wish. If you have no other way of funding your claim, we will always consider if we can act for you on a “no win no fee” basis. If you ask us to act on a no win no fee basis and we agree, instructing us will cost you nothing whether you win or lose. We have acted for many clients under this type of arrangement. We should be glad to discuss with you how this works.

We will give you the best possible estimate of the likely costs of the case at the beginning and as it progresses.

We think it is very important that those injured in accidents should be able to pursue their claims for compensation and recover all the compensation they deserve and we will go out of our way to try and find a way of running the case without you having to worry about legal costs.

If you need any advice or you are thinking about making a claim please contact us on our freephone telephone number 0800 652 2204, or call in at the Accident Shop at 2b and 2c Union Street, Andover, Hampshire SP10 1PA. Alternatively you can e-mail us at [claims@accidentshop.com](mailto:claims@accidentshop.com) or visit us on our website at [www.accidentshop.com](http://www.accidentshop.com)

We look forward to helping you with your claim.